IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	) Date: December 1, 2005
Ronald P. Sansone	) Attorney Docket No.: F-432
Serial No.: 10/015,464	) Customer No.: 00919
Filed: December 12, 2001	) Group Art Unit: 3621
Confirmation No.: 4609	) Examiner: Behrang Badii

Title: METHOD AND SYSTEM FOR ACCEPTING NON HARMING MAIL AT A HOME OR OFFICE

TRANSMITTAL OF APPEAL BRIEF (PATENT APPLICATION 37 CFR 1.192)

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith in **triplicate** is the **APPEAL BRIEF** in the above-identified patent application with respect to the Notice of Appeal filed on October 7, 2005.

Pursuant to 37 CFR 1.17(c), the fee for filing the Appeal Brief is $500.00

The total fee due is:

Appeal Fee:	$500.00
Total Fee Due:	$500.00

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Respectfully submitted,

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APPELLANT'S BRIEF

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This brief is in furtherance of the Notice of Appeal filed in this case on October 7, 2005.

This Brief is transmitted in triplicate.

TABLE OF CONTENTS

This brief contains these items under the following headings and in the order set forth below:

I REAL PARTY IN INTEREST

Pitney Bowes Inc. is the real party in interest.

II RELATED APPEALS AND INTERFERENCES

a) U.S. Patent Application Serial No. 10/015,309 entitled "System For Accepting Non-Harming Mail At A Receptacle" is presently on appeal to the Board Of Appeals.

b) U.S. Patent Application Serial No. 10/015,469 entitled "System For A Recipient To Determine Whether Or Not They Received Non-Life Harming Materials" is presently on appeal to the Board Of Appeals.

III STATUS OF CLAIMS

a) Claims 1 - 22 are in the application.

b) Claims 1 - 22 are rejected.

c) Claims 1 - 22 are on appeal.

IV STATUS OF AMENDMENTS

An amendment subsequent to the July 12, 2005, Final Rejection was filed on August 26, 2005. This amendment was not entered.

V SUMMARY OF CLAIMED SUBJECT MATTER

A. Background

The prior art does not provide a system that enables the recipient of mail that is addressed to the recipient to determine the identity of the person or group that placed an indicia and other information on mail, i.e.,

the person or group who applied for a license to use the meter, before the recipient opened the mail.

People have used the United States Postal Service (USPS) and other courier services, e.g., Federal Express®, Airborne®, United Parcel Service,® DHL®, etc., hereinafter called "carriers", to deliver materials to recipients to whom the sender does not want to deliver personally. Unfortunately, sometimes the delivered materials may be illegal and/or hazardous to the health of the recipient and to the party who is delivering the goods, e.g. life-harming. Examples of life-harming materials are explosives; gun powder; blasting material; bombs; detonators; smokeless powder; radioactive materials; ammunition; atomic weapons; chemical compounds or any mechanical mixture containing any oxidizing and combustible units, or other ingredients in such proportions, quantities, or packing that ignite by fire, friction, concussion, percussion or detonation of any part thereof which may and is intended to cause an explosion; poisons; carcinogenic materials; caustic chemicals; hallucinogenic substances; illegal materials; drugs that are illegal to sell and/or dispense; and substances which, because of their toxicity, magnification or concentration within biological chains, present a threat to biological life when exposed to the environment, etc.

Soon after the September 11, 2001, terrorist attack on the United States, someone and/or a group of people has been adding harmful biological agents to the mail. The addition of harmful biological agents to the mail submitted to the USPS has caused the death of some people and necessitated the closure of

some post offices and other government office buildings. Thus, there is an urgent need to exclude life-harming materials that are included in the mail.

B. Appellant claims a incoming mail monitoring system, that stores unique information contained in a Postal indicia affixed to mail in a data base; a plurality of recipient addressee units that reads and stores the unique information after the mail has been delivered to the recipient; and a data center that receives information stored by the data base and the recipient's units to identify the mailer to the recipient and assess the possibility of the presence of life-harming material in the mail.

This invention overcomes the disadvantages of the prior art by providing a system that enables the recipient of letters, flats and/or packages (hereinafter "mail") that are addressed to the recipient to determine the identity of the person or group that placed an indicia and other information on mail, i.e., the person or group who applied for a license to use the meter, before the recipient opened the mail. The recipient would also be able to determine the identity of mailers who placed mail in receptacles designed to exclude life-harming mail. The identity of the mailing would also be uniquely identified. Since the identity of the mailer and specific item being mailed to the recipient would be known, the recipient would have some assurance that the mail does not contain life harming materials before opening the mail. Hence, the recipient would not have to open mail that may cause human harm and/or extensive property damage.

This invention accomplishes the foregoing by scanning delivered mail in recipient's home or office that is addressed to the recipient which may contain material that may or may not be life-harming; capturing an image of the face of the mail, which includes the name and physical address of the recipient and the postal indicia; and processing the image on the face of the mail to identify the mailer and the mail to access the possibility of the presence of life harming material in the mail.

Claim 1 is the only independent claim in this patent application. Claim 1 relates to an incoming mail monitoring system. Claim 1 includes the following elements a data base that stores unique information contained in a Postal indicia affixed to mail; a plurality of recipient addressee units that reads and stores the unique information contained on the mail in the Postal indicia after the mail has been delivered to the recipient; and a data center that receives information stored by the data base and the recipient's units to identify the mailer to the recipient and assess the possibility of the presence of life-harming material in the mail.

The foregoing method is shown in Fig. 1, paragraph 0021 on page 5 to paragraph 0029 of page 10 of Appellants' Patent Application. A copy of Fig. 1 appears next to this page.

Referring now to the drawings in detail, and more particularly to Fig. 1, the reference character 11 represents an electronic postage meter. Postage

meter 11 includes a funds vault 12 that represents the value of the postage that may be used by meter 11; an accounting and encryption module 13 that contains information that is used to print indicia 18; a printer 14; a scanner and processor 15; a controller 16; a clock and calendar 6; a user I/O 17; and an I/O 56. Accounting and encryption module 13 obtains a security code that may be obtained from address field 9 of mail piece 10 and information contained in postage meter 11. The manner in which the aforementioned security code is obtained is disclosed in the Sansone, et al. United States Patent No. 4,831,555 entitled "Unsecured Postage Applying System" herein incorporated by reference. User I/O 17 comprises a keyboard in which an operator may enter information into meter 11 and a display in which an operator of meter 11 may read information about meter 11. Funds vault 12, accounting and encryption module 13, indicia printer 14, scanner and processor 15, clock and calendar 6, and user I/O 17 are coupled to controller 16. Clock and calendar 6 provides an internal source of time and date for controller 16. Thus, clock and calendar 6 will supply the instant date and time that meter 11 affixed the indicia to mail piece 10. Scanner and processor 15 will store the above information in processed mail data buffer 54 (described in the description of Fig. 3A)

Actions performed by meter 11 are communicated to controller 16. Controller 16 controls the actions of postage meter 11. Clock and calendar 6 also permits controller 16 to store the date and time that postal indicia 18 was affixed to mail piece 10. Controller 16 uses the weighing of the mail piece to

determine the correct postage, and causes meter 11 to affix the correct postage to the mail piece. Controller 16 is described in Wu's United States Patent No. 5,272,640 entitled "Automatic Mail-Processing Device With Full Functions" herein incorporated by reference.

The user of meter 11 places the mail piece to be mailed on a scale (not shown) and enters the classification of the material to be mailed, i.e., first class mail, standard mail, parcel post, etc., into the keyboard of user I/O 17, and relevant information regarding the object to be mailed is displayed on the display of user I/O 17.

Printer 14 will print postal indicia 18 on mail piece 10. Scanner and processor 15 scans address field 9 and sender return address field 8 of mail piece 10. Then, scanner and processor 15 segments the information contained in fields 8 and 9 and stores the segmented information, i.e., tracking code 7. Tracking code 7 may be similar to or the same as the security code determined by accounting encryption module 13. For instance, a unique tracking number may be composed by assembling a number that includes the meter number, the date of mailing of the mail piece, the time of day, the postage placed on the mail piece, the zip code of the licensee of the meter, the name, address, city, state and zip code of the sender of the mail piece, and the name address, city, state and zip code of the recipient of the mail piece. It will be obvious to one skilled in the art that any combination of the aforementioned variables may be used if the

meter number is included. In the United States, meter manufactures identify their meters by one or two alpha characters before the meter number. It will also be obvious to one skilled in the art that many other variables may be used to produce unique tracking numbers.

I/O 56 is coupled to modem 20 and scanner and processor 15. Modem 23 is coupled to modem 20 via communications path 24, and modem 21 is coupled to modem 23 via communications path 25. Modem 23 is coupled to postage meter manufacturer data center computer 26. Modem 23 is coupled to postal data center 516 via communications path 521. Computer 26 manages the day-to-day operation of its postage meters metering i.e., installing new postage meters, withdrawing postage meters, and refilling postage meters with customer funds.

Computer 26 is coupled to postal funds data base 27. Data base 27 stores postal funds that have been used and credited to meters 11 and 41. Computer 26 is also coupled to outbound mail data buffer 28 that receives information about mail piece 10 from postage meter 11, i.e., tracking number 7 and address field 9; inbound mail data buffer 29 that receives information about mail piece 10 from postage meter 41, i.e., tracking number 7 and address field 9; mail box entry data buffer 518 that buffers the scanned data from receptacle 500 (Fig. 2), and upload data computer 30 that receives and processes information from buffers 28 and 29. Processed mail data base 31 is coupled to upload data

computer 30. Processed mail data base 31 stores the result of the output of computer 30 and makes it available to computer 26 for transmission to meter 11.

Postage meter 41 includes a funds vault 42 that represents the value of the postage that may be used by meter 41; an accounting and encryption module 43 that contains information that is used to print postal indicium; a printer 44; a scanner and processor 45; a controller 46; a clock and calendar 58 that permits controller 46 to store the date and time that scanner 45 scanned mail piece 10; a user I/O 47; and an I/O 57. Funds vault 42, accounting and encryption module 43, indicia printer 44, scanner and processor 45, and user I/O 47 are coupled to controller 46. I/O 57 is the interface between scanner and processor 45 and modem 21, and is used to upload data from meter 41 to computer 26 via modems 21 and 23. Clock and calendar 58 will supply the instant date and time that scanner 45 reads mail piece 10. The above information will be stored in processed mail data buffer 54 of Fig. 3A.

Thus, meter 41 is the same as meter 11. In this example, meter 41 is being used as the receiving meter, and meter 11 is being used as a sending meter. It will be obvious to those skilled in the art that meter 11 may be a receiving meter, and meter 41 a sending meter and that additional meters may be connected to computer 26.

After indicia 18 is affixed to mail piece 10 by postage meter 11, mail piece 10 is placed in slot 507 (Fig. 2) before it enters control chamber 510 and inner chamber 514 of receptacle 500. Mail deposited in inner chamber 514 of receptacle 500 will subsequently enter USPS mail delivery process 32 (Fig. 1). The description and operation of receptacle 500 is described in the description of Fig. 2. Mail may enter postal delivery process 32 by other entry means, i.e., a normal mail box, at the postal counter, etc. The post delivers mail piece 10 to the owner of electronic postage meter 41. Mail piece 10 will be scanned by scanner and processor 45 of meter 41. Scanner and processor 45 segments the data and stores it for uploading to computer 26 via modems 21 and 23. Information from meter 11 regarding mail piece 10 was previously sent to computer 26 via modems 20 and 23. The information transmitted by meter 11 is tracking number 7, address field 8 and address field 9. The information transmitted by meter 41 to data center computer 26 is tracking number 7, return address field 8 and address field 9, the date and time mail piece 10 was scanned by meter 41, and the serial number of meter 41. Computer 26 will confirm whether or not the above data is in outbound mail data buffer 28 (Fig.1). If the data is not in outbound mail data buffer 28, computer 26 will request postal data center 516 to check special stamps data base 540 and identification card data base 541 (Fig. 9) to determine the identity of the person or group who was issued the special stamps or identification card. Postal data center 516 will inform meter 41 of the results of its determination. The results of the determination are described in the description of Fig. 9.

Fig. 2 is a drawing of mail receptacle 500 of Fig. 1. Receptacle 500 has a front panel 501 containing a slot 508 for receptacle identification cards 600 and 610 (Figs. 11A and 11B, respectively) and a mail slot 507 for depositing mail; a top panel 505; side panels 502; a back panel 503 having a door 504 for access to life-harming materials; and, a door 506 for access to non-life-harming materials. Receptacle 500 has a control chamber 510 that contains a scanner 511 and a transport 512. Card 600 or card 610 is placed in slot 508 and transported by transport 512 to scanner 511 so that scanner 511 may read the information on the card. Then, transport 512 ejects card 600 or card 610 through slot 508. When mail and/or mail piece 10 (Fig. 1) is deposited face up in slot 507, mail piece 10 will enter control chamber 510. The face of mail piece 10 will be scanned and read by scanner 511 while being moved by transport 512. Mail box 513 will interpret the foregoing information regarding mail piece 10. Controller 513 will communicate with postal data center 516 (Fig. 1) via data buffer and modem 520. Postal data center 516 communicates with computer 26 (Fig. 1) which accesses buffer 29 to determine if a record of the mail currently in control chamber 510 appears in buffer 29.

If the information on the face of the mail piece in control chamber 510 does not match the information in buffer 29, the mail in control chamber 510 is of questionable origin and may be suspected of having life-harming material. The mail will remain in control chamber 510, and a signal will be sent by controller 513 to postal data center 516 (Fig. 1) to inform the proper

questionable origin and may be suspected of having life-harming material. The mail will remain in control chamber 510, and a signal will be sent by controller 513 to postal data center 516 (Fig. 1) to inform the proper authorities to unlock door 504, remove the possibly tainted mail and activate door 519 to close slot 507 to prevent any mail from entering chamber 510. Controller 513 will also activate LED 517, which will indicate "Out Of Service" or "May contain life-harming materials", etc .

If the information on the face of the mail piece in control chamber 510 matches the information in buffer 29, the mail in control chamber 510 is not of questionable origin and is not suspected of having life harming material. The information will be stored in buffer 518 (Fig. 1), and computer 26 will authorize controller 513 to open door 515 and enable transport 512 to move the mail in control chamber 510 to inner chamber 514. Mail piece 10 and the other mail in inner chamber 514 may be removed by opening locked door 506.

Claim 5 is described in Fig. 10A and paragraph 0057 on page 23 of Appellant's Patent Application. Fig. 10A is a drawing of a special postage stamp that illustrates the stamp claimed in claim 5. Postage stamp 100 has a stamp graphics area 101 showing the graphic design and the stamp denomination 102. Stamp 100 also has a special code 103 comprised of a string of alphanumeric characters, which is readable by conventional optical character recognition readers. Special code 103 is unique in that each stamp will have a different

code. Thus, when the USPS sells a stamp, special code 103 and the person or entity that purchased the stamp will be recorded and stored in archive 540 (Fig. 9).

VI GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether or not claims 1, 2, 4, and 6 – 18 are patentable under 35 USC §102(e) for being anticipated by Alden, U.S. Patent Application Publication 2003/0072469.

B. Whether or not claim 3 is patentable under 35 USC §103(a) over Alden and further in view of Bobrow, et al. (U.S. Patent Application Publication 2002/0079371).

C. Whether or not claim 5 is patentable under 35 U.S.C. §103(a) 35 USC §103(a) over Alden, and further in view of Rangan et al. U.S. Patent Application Publication 2005/0034055.

D. Whether or not claims 11 – 17 are patentable under 35 USC §102(e) for being anticipated by Alden, U.S. Patent Application Publication 2003/0072469.

E. Whether or not claim 19 is patentable under 35 U.S.C. §103(a) 35 USC §103(a) over Alden in view of Brookner (U.S. Patent No. 6,842,742).

F. Whether or not claims 20 and 21 are patentable under 35 U.S.C. §103(a) over Alden and further in view of Ananda (U.S. Patent No. 6,385,731).

G. Whether or not claim 22 is patentable under 35 U.S.C. §103(a) over Alden and further in view of Ananda (U.S. Patent No. 6,385,731).

H. Whether or not claims 1- 20 should remain provisionally rejected under the judicially created doctrine of obviousness-type double patenting.

VII ARGUMENTS

A. Claims 1, 2, 4, 6 – 10 and 18 have been rejected by the Examiner under 35 U.S.C. §102(e) for being anticipated by Alden, U.S. Patent Application Publication 2003/0072469.

The Examiner stated the following in pages 2-3 of the July 12, 2005 Final Rejection: *"As per claim 1, Alden discloses an incoming mail monitoring system, said system comprises (abstract); one or more data bases that stores unique information affixed to mail and identities of mailers (database storing information) (abstract, paragraph 17, fig's.* [sic] *3-9); a plurality of receptacles that reads and stores the unique information affixed to mail after the mail enters the interior of the receptacle (storing information) (abstract, paragraph 17, fig's.* [sic] *3-9); a data center that stores the unique information affixed to mail and receives the unique information from the receptacles to determine if the mailer is permitted to enter mail in the receptacle (storing information) (abstract, paragraph 17, fig's.* [sic] *3-9); and means coupled to the data center and the recipient of the mail for communicating to the recipient, information stored in the data center above the mail (transfer of data) (abstract, Paragraph 17, fig's.3-9)."*

Alden discloses the following in his abstract:

> "In a preferred embodiment, a network-based hardcopy mail scanning system to enable a mail recipient to view virtual

images of their mail prior to physically receiving said mail. Unwanted mail from unknown
origins can be discarded remotely by the mail recipient prior to actually receiving or touching the hardcopy mail. Thus the mail recipient is insulated from contact with potential letter bombs, biological agents, and chemical agents distributed by terrorists through the US or international postal systems. The process includes a means to digitize an image of hardcopy mail intended for a mail recipient, a database to store the digitized image, a scanning service computer connected to

said database. Said scanning service computer and a mail recipient computer are interconnected by a computer network. The scanning service computer communicates images of hardcopy mail (addressed for delivery to the mail recipient) to the mail recipient computer via the computer network. The mail recipient can elect to accept mail for receipt or to reject mail which is then destroyed. By virtually selecting

what mail to accept and discarding the rest, the recipient can discard mail from unknown origins prior to ever physically handling it."

Paragraph 17 of Alden reads as follows:

"**[0017] FIG. 3** is a flowchart describing hardcopy mail interception at the home mailbox of the present invention. The present invention provides a mail scan service **49**. In this illustration, the mail scan service is intercepting the intended recipient's **55** mail at his home mail box **47**. The

> **49** scans (records a digital image) of the mail which it provides electronically over the internet, thereby enabling the intended recipient to virtually view the mail prior to receiving it. Internet communication channel between **49** and **55** is indicated by a dotted line. The **55** elects to accept or to reject each specific mail article. Rejected mail **51** is discarded by the **49** and accepted mail **53** is routed to the user by the **49**. Thus the user of the scanning service receives and personally handles only the mail that he wishes to and discards the unwanted mail without ever having handled it. This reduces potential for exposure to explosives, biological agents, and chemical agents distributed by terrorists.

Alden does not disclose a postal indicia. In fact, in Fig. 9, Alden shows what appears to be a cancelled 34 cents U.S. postage stamp in the upper right hand side of the image of envelope 175. A U.S. postage stamp does not identify the party who placed the stamp on the mail.

Some of the advantages of Appellant's claimed invention over the invention disclosed by Alden are as follows. Alden obtains a scanned image of the face of mail before the recipient receives the mail. From the scanned image Alden's recipient assumes that the party whose name appears in the space provided for the return address is the party who sent the mail to the recipient. It is possible that terrorists may place the name of a entity known to Alden's recipient in the return address space. Whereas, in Appellant's claimed invention a data base stores unique information contained in a Postal indicia affixed to mail so that recipient addressee units may read and store the unique information so

that a data center may identify the mailer to the recipient. The foregoing is possible because a postal indicia positively identifies the sender of the mail, i.e. the person or group who applied for a license to use a postage meter to affix postage indicia to mail for the payment of postage. Thus, a third party data center verifies the identity of the party who affixed the postal indicia to the mail to the recipient. Hence, Appellant's claimed invention provides additional security than that disclosed by Alden.

Thus, Alden does not disclose or anticipate the following elements of claim 1 namely, a data base that stores unique information contained in a Postal indicia affixed to mail; a plurality of recipient addressee units that reads and stores the unique information contained on the mail in the Postal indicia after the mail has been delivered to the recipient; and a data center that receives information stored by the data base and the recipient's units to identify the mailer to the recipient and assess the possibility of the presence of life-harming material in the mail.

B. Claim 3 has been rejected by the Examiner under 35 U.S.C. §103(a) over Alden and further in view of Bobrow, et al. (U.S. Patent Application Publication 2002/0079371).

Claim 3 adds the following limitation to claim 1, a mailer's unit that communicates with the data base and stores in the data base the time and date that the postal indicia was affixed to the mail.

The Examiner stated in page 5 and 6, of the July 12, 2005 Final Rejection the following: "*Bobrow et al. discloses a mailer's unit that communicates with the data base and stores in the data base the* ***time*** *and* ***date*** *that the postal indicia was affixed to the mail (storing time and date) (paragraph 133, fig's.* [sic] *2 & 4).*"

Paragraph 133 of Bobrow et al. reads as follows:

> "[0133] Swipes **1114, 1116,** and **1118** specify the date and time of the event. Swipes **1110, 1112, 1122,** and **1124** serve to annotate the event. The address is set forth in swipes **1120, 1122,** and **1124** – this information can remain part of the annotation or can be extracted by the system as described below. Note that this further information can be displayed in a hierarchical fashion, concealing details until needed. Moreover, in one embodiment of the invention, the entire announcement of **FIG. 11** (or at least an additional portion thereof) is scanned and stored as an image in the database **310 (FIG. 3)** in addition to the information extracted and used as an event annotation as set forth above. This approach has the advantage that additional information in the document (such as the bride's name, for example) is accessible and can be made available, if necessary, even if it is not expected to be needed at the time the key data items are extracted."

Alden discloses the following in paragraph 20:

> " Fig. 6 is a flowchart describing hardcopy mail scanning performed by an office mail processing system. Many buildings use internal mailroom personnel to distribute mail through out the building, the present invention can be used at the building level as well. After the postal service **93** delivers mail to office mail processing system **95** the office mail service provides a mail scanning service (digital images of the mail are created). An intended receiver **105** is given access to the digital images via the intranet (indicated with dotted line) which interconnects the **97** computer and the **105** computer. Also over the intranet, the **105** sends elections to accept or reject each mail article to the **97** computer. The office mail

processing system then delivers the only the accepted mail to the **105** and discards the rejected mail. Thus the user of the office mail scanning service receives and personally handles only the mail that he wishes to and discards the unwanted mail without ever having handled it. This reduces potential for exposure to explosives, biological agents, and chemical agents distributed by terrorists."

Alden does not disclose a postal indicia. In fact, in Fig. 9, Alden shows what appears to be a cancelled 34 cents U.S. postage stamp in the upper right hand side of the image of envelope 175. A U.S. postage stamp does not identify the party who placed the stamp on the mail.

Some of the advantages of Appellant's claimed invention over the invention disclosed by Alden are as follows. Alden obtains a scanned image of the face of mail before the recipient receives the mail. From the scanned image Alden's recipient assumes that the party whose name appears in the space provided for the return address is the party who sent the mail to the recipient. It is possible that terrorists may place the name of a entity known to Alden's recipient in the return address space. Whereas, in Appellant's claimed invention a data base stores unique information contained in a Postal indicia affixed to mail so that recipient addressee units may read and store the unique information so that a data center may identify the mailer to the recipient. The foregoing is possible because a postal indicia positively identifies the sender of the mail, i.e. the person or group who applied for a license to use a postage meter to affix postage indicia to mail for the payment of postage. Thus, a third party data center verifies the identity of the party who affixed the postal indicia to the mail to

the recipient. Hence, Appellant's claimed invention provides additional security than that disclosed by Alden.

Thus, Alden does not disclose or anticipate the following elements of claim 1 namely, a data base that stores unique information contained in a Postal indicia affixed to mail; a plurality of recipient addressee units that reads and stores the unique information contained on the mail in the Postal indicia after the mail has been delivered to the recipient; and a data center that receives information stored by the data base and the recipient's units to identify the mailer to the recipient and assess the possibility of the presence of life-harming material in the mail. Since, Alden or Bobrow do not disclose a postal indicia how can they disclose or anticipate storing in a data base the time and date that the postal indicia was affixed to the mail.

Notwithstanding the foregoing, in rejecting a claim under 35 U.S.C. §103, the Examiner is charged with the initial burden for providing a factual basis to support the obviousness conclusion. ***In re Warner,*** 379 F.2d 1011, 154 USPQ 173 (CCPA 1967); ***in re Lunsford,*** 375 F.2d 385, 148 USPQ 721 (CCPA 1966); ***in re Freed***, 425 F.2d 785, 165 USPQ 570 (CCPA 1970). The Examiner is also required to explain how and why one having ordinary skill in the art would have been led to modify an applied reference and/or combine applied references to arrive at the claimed invention. ***In re Ochiai***, 37 USPQ2d 1127 (Fed. Cir. 1995); **in re Deuel**, *51 F.3d 1552, 34 USPQ 1210 (Fed. Cir. 1995);* ***in re Fritch***, 972 F.2d 1260, 23 USPQ 1780 (Fed. Cir. 1992); ***Uniroyal, Inc. v. Rudkin-Wiley Corp.***, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). In establishing the

requisite motivation, it has been consistently held that both the suggestion and reasonable expectation of success must stem from the prior art itself, as a whole. ***In re Ochiai***, supra; **in re Vaeck**, *947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991);* ***in re Fine***, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); ***in re Dow Chemical Co.***, 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988).

C. Claim 5 has been rejected by the Examiner under 35 U.S.C. §103(a) over Alden, and further in view of Rangan et al. U.S. Patent Application Publication 2005/0034055.

Claim 5 is dependent on claim 1. In claim 5, the data base stores a unique code contained in a stamp.

The Examiner stated the following in page 6, of the Final Rejection.

"Alden discloses a mail monitoring system as described above. Alden does not disclose storing a unique code contained in a stamp (storing information (unique?). Rangan et. al. discloses storing a unique code contained in a stamp (storing information (unique?) (paragraph 91). It would have been obvious to modify Alden to include unique code such as that taught by Rangan et. al. in order to hide the true meaning of the information discloses."

Paragraph 91 of Rangan et al. reads as follows:

> "**[0091]** In an alternative embodiment gatherer **67** may be implemented as a client application installed on a user's PC. In this embodiment, a user would not be required to supply log-in or password codes. Summarization scripts may be sent to the client software and templates may be automatically created with the appropriate scripts using log-in and password information encrypted and stored locally on the user's machine."

Neither Alden nor Rangan, taken separately or together, discloses a data base that stores a unique code contained in a stamp to enable a plurality of recipient addressee units to read and stores the unique information contained in the stamp so that a data center may receives information stored by the data base and the recipient's units to identify the mailer to the recipient. Appellant's disclosed an alternate embodiment in Fig. 10A in which the USPS sells a stamp that may be used to replace a postal indicia, containing a special code 103 and the person or entity that purchased the stamp will be recorded and stored in a archive.

D. Claims 11 - 17 have been rejected by the Examiner under 35 U.S.C. §102(e) for being anticipated by Alden, U.S. Patent Application Publication 2003/0072469.

Claim 11 depends on claim 1 and claim 12 depends on claim 11. Claim adds the following to claim 1: a plurality of receptacles that reads, stores and communicates to the data center unique information appearing on mail.

In claim 12 the unique information appearing on mail is stored in the data base.

In claim 13 the scanner is located in a control chamber.

In claim 14 the control chamber has a locked door for isolating suspect mail.

In claim 15 the receptacle further comprises: an inner chamber that receives mail from the control chamber that is not suspected of having life harming material.

In claim 16 the inner chamber has a locked door in which when open mail may be removed from the inner chamber.

In claim 17 a slot is provided for depositing mail into the control chamber.

In addition to the arguments made in above section A the cited references do not disclose or anticipate the receptacle disclosed by Appellant.

E. Claim 19 has been rejected by the Examiner under 35 U.S.C. §103(a) over Alden in view of Brookner (U.S. Patent No. 6,842,742).

Claim 19 is dependent on claim 1. In claim 5, the recipient's units comprise: electronic postage units.

The Examiner stated the following in page 6, of the Final Rejection.

"Alden discloses a mail monitoring system as described above. Alden does not disclose electronic (digital) postage meter units: Bookner discloses electronic (digital) postage meter units (col. 2, 5-16). It would have been obvious to modify Alden to include electronic (digital) postage meter units such as that taught by Bookner in order to precisely measure the postage of the mail to categorize each mail accordingly."

Brookner discloses the following in lines 27-39 of col. 2:

> "In accordance with the present invention, there is provided a greatly improved system providing early warning preemptive postal equipment replacement. According to the

> invention, it is provided that selected performance parameters of the postal equipment are monitored and compared against predetermined operational boundaries. The monitoring gives an indication of the overall system performance. If the system performance goes outside of operational boundaries, or changes significantly, replacement can be scheduled with minimal inconvenience to the customer. Data from the old meter can then be orderly transferred to the replacement meter."
>
> Neither Alden nor Brookner, taken separately or together, discloses or anticipates utilizing a postage meter to identify the mailer.

F. Claims 20 and 21 have been rejected by the Examiner under 35 U.S.C. §103(a) over Alden and further in view of Ananda (U.S. Patent No. 6,385,731).

Claims 20 and 21 are dependent on claim 1. In claim 20, the recipient's units are electronic postage units and in claim 21 the recipient's units are personal computer meters.

The Examiner stated the following in pages 6 and 7, of the Final Rejection.

Alden discloses a mail monitoring system as described above. Alden does not disclose personal computer meters, postal indicia containing a security code or security code being obtained from a recipient address field on the mail and information contained in a postage meter that affixed the postal indicia to the mail. Ananda discloses personal computer meters (col. 26, 49-61), postal indicia containing a security code (col. 21, 27-45 & 52-67; col. 22, 45-60; col. 27, 65-67; col. 28, 1-7) and security code being obtained from a recipient address field on the mail and information contained in a postage meter that affixed the postal

indicia to the mail (col. 21, 27-45 & 52-67; col. 22, 45-60; col. 27, 65-67; col. 28, 1-7). It would have been obvious to modify Alden to include personal computer meters, postal indicia containing a security code or security code being obtained from a recipient address field on the mail and information contained in a postage meter that affixed the postal indicia to the mail such as that taught by Ananda in order to categorize each piece of mail according to the information that corresponds to each piece of mail."

Ananda discloses the following in the abstract:

> "The present invention is a system for providing secure access and execution of application software stored on a first computer by a second computer using a communication device while a communication link is maintained between the first and second computers. More specifically, the present invention is a secure software rental system. The system enables a user in a remote location using a personal computer and a modem to connect to a central rental facility, transfer application software from the central rental facility to the remote computer, and execute the application software on the remote computer while electronically connected to the central rental facility. When the communication link between the central rental facility and the remote computer is interrupted or terminated, the application software no longer executes on the remote computer. The application software stored on the central rental facility is integrated with the header software to provide a security feature of the present invention. the use of header software allows the user to execute the application software
>
> only while the user is electronically connected to the central rental facility continuously. In one embodiment, the rental software is an on-line postage metering program. In this embodiment, a user computer and a user printer, electronically connected to the PSD server and the USPS computer, constitute an on-line electronic postage meter. The on-line electronic postage meter allows a remote user to print postage using a local printer in a secure manner. A

printed postage appears as a two-dimensional bar-code that includes a unique serial number, mail delivery point information, and the amount of postage.

Neither Alden nor Anada, taken separately or together a electronic postage unit or personal computer to identify the mailer.

G. Claim 22 has been rejected by the Examiner under 35 U.S.C. §103(a) over Alden and further in view of Ananda (U.S. Patent No. 6,385,731).

Claim 22 is dependent on claim 21 and claim 21 is dependent on claim 1.

Claim 22 has the following material added to the system claimed in claim 21, wherein the security code is obtained from a recipient address field on the mail and information contained in a postage meter that affixed the postal indicia to the mail.

In addition to the arguments made in above section F the cited art does not disclose or anticipate obtaining a security code from a recipient address field on the mail and information contained in a postage meter that affixed the postal indicia to the mail.

H. Claims 1 - 20 have been rejected by the Examiner under the judicially created doctrine of obviousness-type double patenting

I.

Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 3-16 of co-pending Application No. 10/015,469. Although the conflicting claims are not identical, they are not patentably distinct from

each other because all three disclose a mail monitoring system, said system comprises.

A Terminal Disclaimer was filed in Patent Application Serial No. 10/015,469 on May 13, 2005, to overcome the double patenting rejection. A copy of the Terminal Disclaimer is attached hereto in Section X!.

In view of the above Appellants respectfully submit that appealed claims 1 - 22 in this application are patentable. It is requested that the Board of Appeal overrule the Examiner and direct allowance of the rejected claims.

Respectfully submitted,

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Reg. No. 26,796
Attorney of Record
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Technology Law Department
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VIII APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

What is claimed is:

1. An incoming mail monitoring system, said system comprises:

a data base that stores unique information contained in a Postal indicia affixed to mail;

a plurality of recipient addressee units that reads and stores the unique information contained on the mail in the Postal indicia after the mail has been delivered to the recipient; and

a data center that receives information stored by the data base and the recipient's units to identify the mailer to the recipient and assess the possibility of the presence of life-harming material in the mail.

2. The system claimed in claim 1, wherein the data base stores unique information contained in a postal indicia.

3. The system claimed in claim 2, further including a mailer's unit that communicates with the data base and stores in the data base the time and date that the postal indicia was affixed to the mail.

4. The system claimed in claim 2, wherein the data center correlates the recipient address of the mail with unique information contained in the postal indicia.

5. The system claimed in claim 1, wherein the data base stores a unique code contained in a stamp.

6. The system claimed in claim 1, wherein the data base stores a unique code contained in a label.

7. The system claimed in claim 1, wherein the recipient units include a scanner that reads postal indicia that is affixed to mail.

8. The system claimed in claim 7, wherein the scanner captures and interprets the information contained in the postal indicia.

9. The system claimed in claim 1, wherein the recipient units include a scanner that reads a unique code that is contained in a stamp that is affixed to mail.

10. The system claimed in claim 1, wherein the recipient units include a scanner that reads a unique code that is contained in a label that is affixed to mail.

11. The system claimed in claim 1, further including: a plurality of receptacles that reads, stores and communicates to the data center unique information appearing on mail.

12. The system claimed in claim 11, wherein the unique information appearing on mail is stored in the data base.

13. The system claimed in claim 12, wherein the scanner is located in a control chamber.

14. The system claimed in claim 12, wherein the control chamber has a locked door for isolating suspect mail.

15. The system claimed in claim 12, wherein the receptacle further comprises:

an inner chamber that receives mail from the control chamber that is not suspected of having life harming material.

16. The system claimed in claim 12, wherein the inner chamber has a locked door in which when open mail may be removed from the inner chamber.

17. The system claimed in claim 12, further including a slot for depositing mail into the control chamber.

18. The system claimed in claim 8, further including: means for closing the slot when the mail in the control chamber is suspected of containing life harming substances.

19. The system claimed in claim 1, wherein the recipient's units comprise: electronic postage units.

20. The system claimed in claim 1, wherein the recipient's units comprise personal computer meters.

21. The system claimed in claim 1, wherein the unique information contained in the postal indicia is a security code.

22. The system claimed in claim 21, wherein the security code is obtained from a recipient address field on the mail and information contained in a postage meter that affixed the postal indicia to the mail.

IX EVIDENCE APPENDIX

There is no additional evidence to submit.

XI RELATED PROCEEDING APPENDIX

a) U.S. Patent Application Serial No. 10/015,309 entitled "System For Accepting Non-Harming Mail At A Receptacle" is presently on appeal to the Board Of Appeals

b) U.S. Patent Application Serial No. 10/015,469 entitled "System For A Recipient To Determine Whether Or Not They Received Non-Life Harming Materials" is presently on appeal to the Board Of Appeals

XII. TERMINAL DISCLAIMER

SECOND CORRECTED

PTO/SB/25 (09-04)
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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION	Docket Number (Optional) F-435

In re Application of: Ronald P. Sansone

Application No.: 10/015,469

Filed: December 12, 2001

For: SYSTEM FOR A RECIPIENT TO DETERMINE WHETHER OR NOT THEY RECEIVED NON-LIFE-HARMING MATERIALS

The owner*, Pitney Bowes Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 10/015309 ,10/015464, filed on December 12, 2001 /*, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent: granted on the pending **reference** application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☑ The undersigned is an attorney or agent of record. Reg. No. 26,796

Ronald Reichman — Signature

May 13, 2005 — Date

RONALD REICHMAN — Typed or printed name

203-924-3854 — Telephone Number

☑ Terminal disclaimer fee under 37 CFR 1.20(d) is ~~included~~ to be charged to deposit account #16-1885.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

* and 09/683380 and 09/683381, both filed December 19, 2001

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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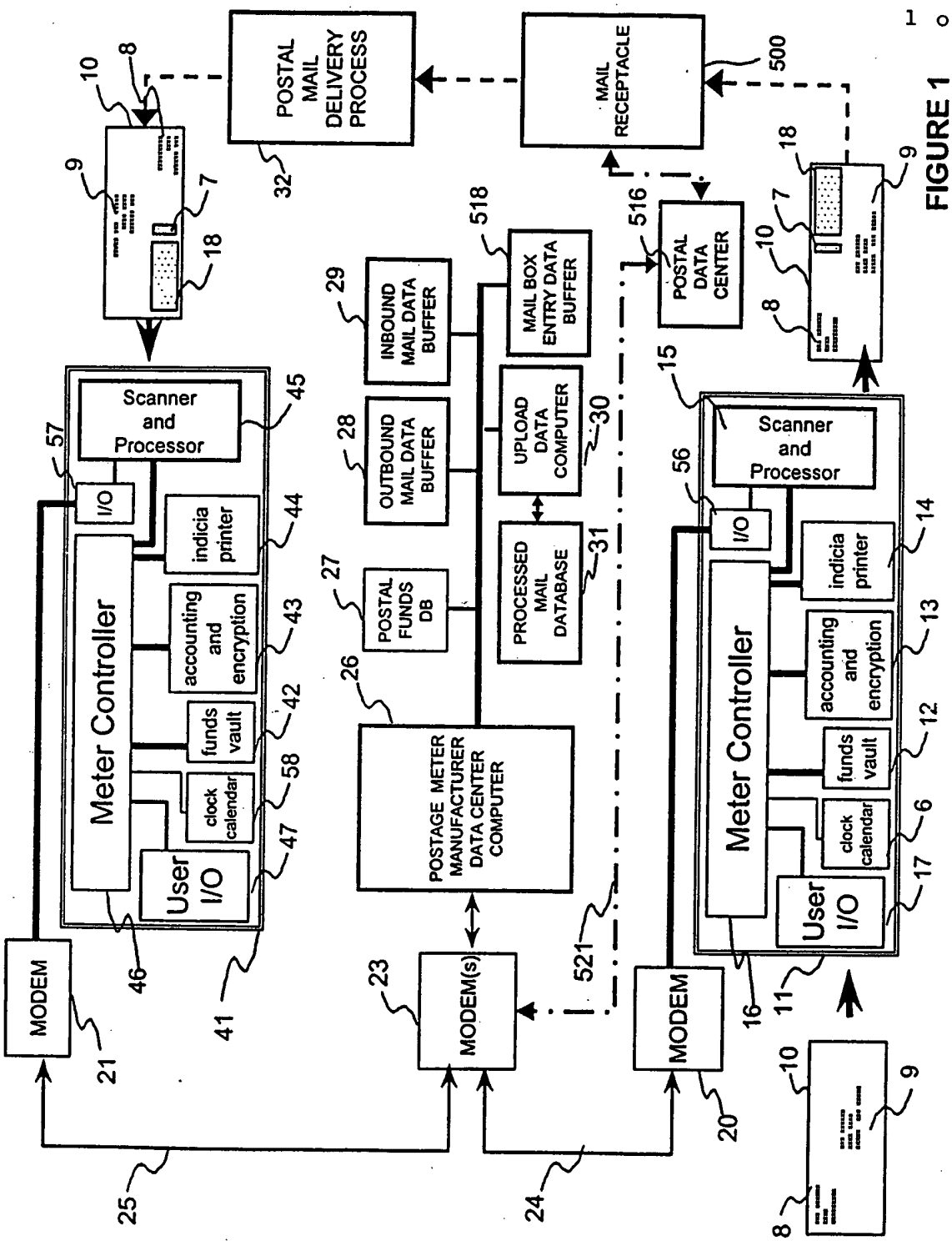
POSTAL MAIL DELIVERY PROCESS
MAIL RECEPTACLE
POSTAL DATA CENTER
INBOUND MAIL DATA BUFFER
OUTBOUND MAIL DATA BUFFER
POSTAL FUNDS DB
MAIL BOX ENTRY DATA BUFFER
UPLOAD DATA COMPUTER
PROCESSED MAIL DATABASE
POSTAGE METER MANUFACTURER DATA CENTER COMPUTER
MODEM(s)
MODEM
MODEM
Meter Controller
Scanner and Processor
I/O
indicia printer
accounting and encryption
funds vault
clock calendar
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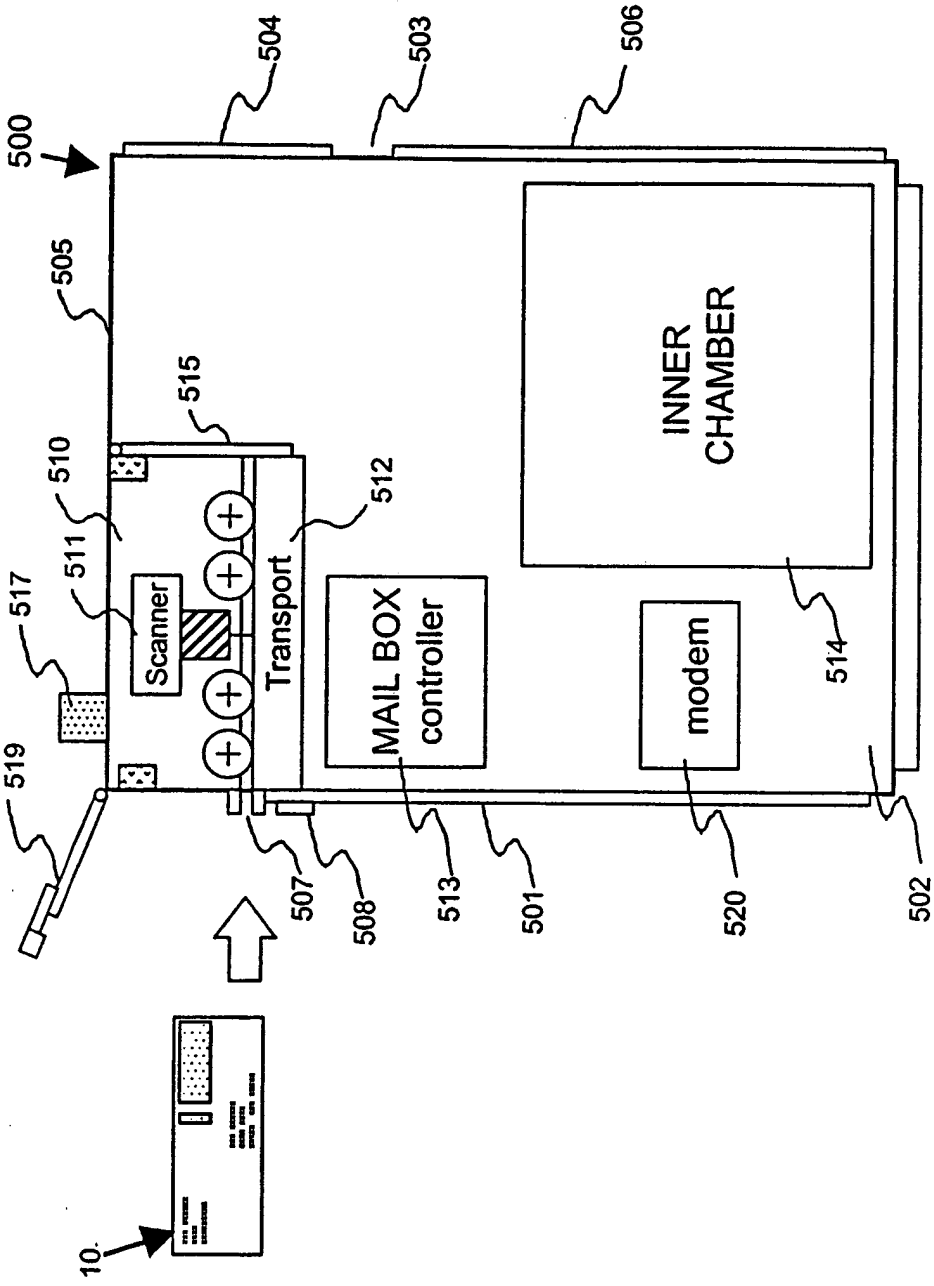
User I/O

FIGURE 1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Scanner
Transport
MAIL BOX controller
INNER CHAMBER
modem
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508
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501
520
502
10

FIGURE 2

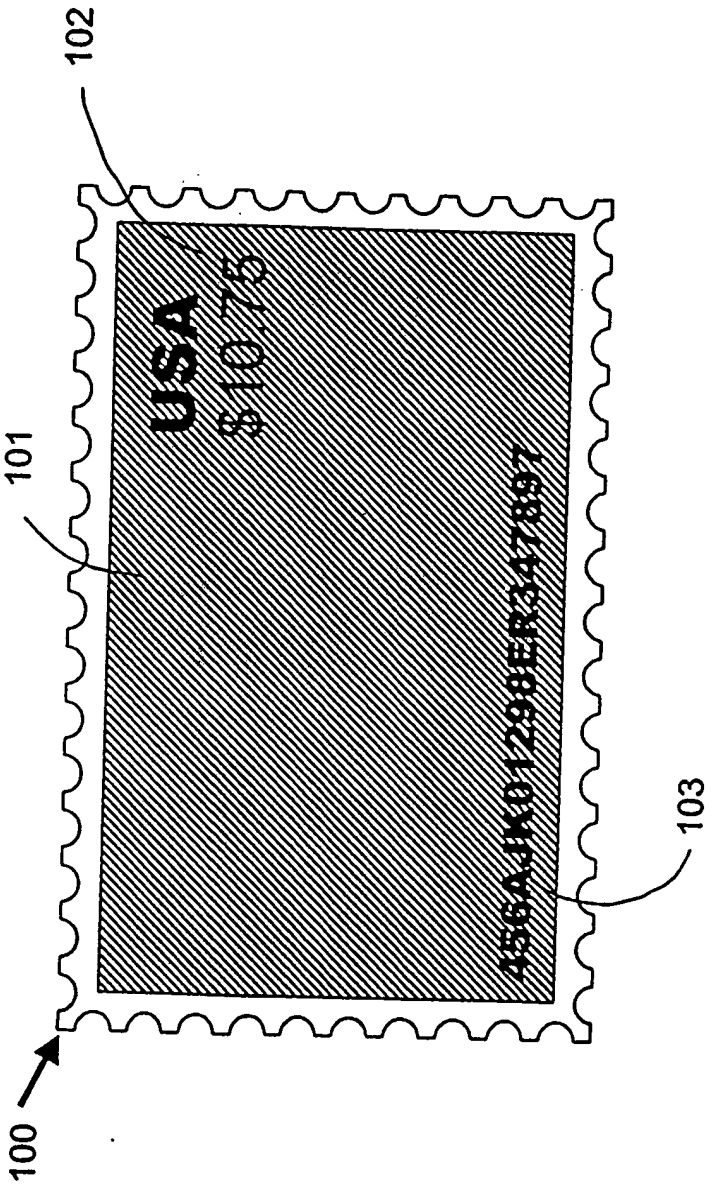

FIGURE 10A